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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,304

04/03/2006

Soon-Suck Jang

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EXAMINER

ENSEY, BRIAN

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

08/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,304	Applicant(s) JANG, SOON-SUCK	
	Examiner Brian Ensey	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because photographs in Figs. 1 and 2 are fuzzy and unclear, drawings in Figs. 3 and 4 are also fuzzy and unclear. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The specification appears to be a direct translation from a foreign patent and is replete with grammatical errors. For example, see page 1, line 20, "...he or she has worn hearing aids onto both ears..." and lines 21 and 22, "As a result, since there is no wearing effect of the hearing aid at the healthy ear side....".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jampolsky U.S. Patent No. 5,434,924.

Regarding claim 1, Jampolsky discloses a hearing aid comprising: a digital ITE (In-The-Ear) type hearing aid cell including a digital amplifier (52R, See Fig. 5, col. 12, line 63-68, and col. 14, lines 45-50, digital circuitry may be used, therefore the amplifier may be a digital amplifier), a microphone (24R) and a receiver (50R) in one healthy ear; and an ear cell including a microphone (24L) in the other troubled ear, wherein the digital hearing aid cell and the ear cell are connected to enhance a directional performance of the hearing aid (See Fig. 6, col. 13, lines 15-19 and col. 14, lines 27-32) Jampolsky does not expressly disclose the digital hearing aid cell and the ear cell are connected via external electric wires in the embodiment of Fig. 6. However, wired and wireless hearing aid systems are well known and Jampolsky teaches a BTE embodiment with a external wired connection (See Fig. 4A and col. 12, lines 27-30). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the wireless transmitter of Fig. 6 with the wire harness of Fig. 4A to reduce the number of components and provide a more reliable connection of signals between the devices.

Regarding claim 3, Jampolsky further discloses a time delay is designed to adjust a directional performance in the hearing aid (See col. 6, lines 7-40 and col. 14, lines 27-40). Jampolsky does not expressly disclose the time delay parameter is in the digital amplifier. However, Jampolsky teaches the circuitry may be implemented with a digital microprocessor controlled with a PROM (See col. 14, lines 45-50). Therefore, It would have been obvious to one

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of ordinary skill in the art at the time of the invention to provide all functions including amplification and time delay in the digital circuitry to reduce the number on components and size of the hearing device.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jampolsky as applied to claim 1 above, and further in view of Staurt et al. U.S. Patent Publication 2005/0095564.

Regarding claim 2, Jampolsky discloses a hearing aid as claimed. Jampolsky does not expressly disclose a switch, a digital interface connection terminal and a battery door included in the healthy-ear hearing aid cell. However, the use of a switch, a digital interface connection terminal and a battery door in a hearing aid is well known in the art and Stuart teaches a hearing aid with a battery door/ switch (18, door may act as a switch, See Fig. 1 and paragraph 0056) and a digital interface connection terminal (See Fig. 11 and paragraph 0099). Further, a battery and battery door are necessary in a hearing aid to provide power to the hearing aid and allow the battery to be changed. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the hearing aid of Jampolsky with a switch, a digital interface connection terminal and a battery door as taught by Stuart to power and program the hearing aid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:00 AM - 2:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on 571-272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Va. 22313-1450

Or faxed to:

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to:

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Randolph Building
401 Dulany Street
Arlington, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Ensey/
Primary Examiner, Art Unit 2615
August 10, 2008